

EXHIBIT D

exhib B

TRUTH-IN-SENTENCING GUILTY PLEA FORM
IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR KENT COUNTY

STATE OF DELAWARE

v.

PEPPER, Monty C.ID: 04020204-0401017318CRA: IK-04-03-0351-0350; IK-04-02-

The defendant must answer the following questions in his or her own handwriting.

Date of Birth 032859 Last grade in school completed 11th grade

Have you ever been a patient in a mental hospital?

☐ Yes ☒ No

Are you under the influence of alcohol or drugs at this time?

☐ Yes ☒ No

Have you freely and voluntarily decided to plead guilty to the charges listed in your written plea agreement?

☒ Yes ☐ No

Have you been promised anything that is not stated in your written plea agreement?

☐ Yes ☒ No

Has your attorney, the State, or anyone threatened or forced you to enter this plea?

☐ Yes ☒ No

Do you understand that because you are pleading guilty you will not have a trial, and you therefore waive (give up) your constitutional right:

- (1) to be presumed innocent until the State can prove each and every part of the charge(s) against you beyond a reasonable doubt;
- (2) to a speedy and public trial;
- (3) to trial by jury;
- (4) to hear and question the witnesses against you;
- (5) to present evidence in your defense;
- (6) to testify or not testify yourself; and,
- (7) to appeal to a higher court?

☒ Yes ☐ No

OFFENSE	STATUTORY PENALTY		RECOMMENDED
	INCARCERATION	FINE	
<u>Page 2</u>	<u>10-25y</u>	<u>discretion</u>	<u>2-5y L v/10y</u>
<u>Use Computer for Child Porn (2)</u>	<u>0-8y (x2)</u>	<u>discretion</u>	<u>up to 62y L v</u>
<u>Poss Child Porn (3x)</u>	<u>0-3y (x3)</u>	<u>discretion</u>	<u>up to 9y L v</u>

TOTAL CONSECUTIVE MAXIMUM PENALTY: Incarceration: 50y. Fine: discretion

NON-CITIZENS: Conviction of a criminal offense may result in deportation, exclusion from the United States, or denial of naturalization.

Do you understand that, if incarcerated, you will not be eligible for parole, and the amount of early release credits which you may earn will be limited to a maximum of ninety (90) days per year?

☒ Yes ☐ No

Is there a minimum mandatory penalty?

☒ Yes ☐ No

If so, what is it?

Is there a mandatory revocation of driver's license or privileges for this offense or as a result of your plea?

☐ Yes ☒ No

If so, what is the length of revocation? _____ years

Has anyone promised you what your sentence will be?

☐ Yes ☒ No

Were you on probation or parole at the time of this offense? (A guilty plea may constitute a violation.)

☐ Yes ☒ No

Do you understand that a guilty plea to a felony will cause you to lose your right to vote, to be a juror, to hold public office, and other civil rights?

☒ Yes ☐ No

Have you been advised that this is an offense which results in the loss of the right to own or possess a deadly weapon?

☒ Yes ☐ No

Have you been advised that this is an offense which requires registration as a sex offender?

☒ Yes ☐ No

Are you satisfied with your lawyer's representation of you and that your lawyer has fully advised you of your rights and of your guilty plea?

☒ Yes ☐ No

Have you read and understood all the information contained in this form?

☒ Yes ☐ No

Bern DeDonato Savin
 Defense Counsel

Date

08/16/04

Defendant

Print name:

Bern DeDonato Savin

Print name:

Monty Pepper

Superior Court of the State of Delaware, KE ID County

Exhib C

PLEA AGREEMENT

State of Delaware v. Monty C. PepperCase No(s): 0401017318 Cr.A.#s: _____☐ Title 11 HAB. OFFENDER _____ ☐ BOOT CAMP ELIGIBLE ☐ INELIGIBLE☐ RULE 11(e)(1)(C) — If out of guideline, reason is as follows: _____☒ Title 11, § 4336, sex offender notification required ☐ Title 11, § 9019(e), forensic fine ☐ \$100(F), ☐ \$50(M)

Defendant will plead guilty to:

Count	Cr.A.#	Charge [LIO if applicable]
1	K04-02-0594	Rape Second Degree
3	K04-03-0351	Use of Computer for Child Prohibited Sexual Act
4	K04-03-0352	Use Computer Child Prohibited Sexual Act
18	K04-03-0366	Pass Child Pornography
19	K04-03-0367	Pass Child Pornography
20	K04-03-0368	Pass Child Pornography

Upon the sentencing of the defendant, a nolle prosequi is entered on ☒ the following charges/ ☐ all remaining charges on this indictment: 0401017318 & 0402012084

Count	Cr.A.#	Charge

Sentence Recommendation/Agreement:

☒ PSI ☐ Immediate Sentencing
State agrees not to recommend more than 10 yrs.
20 Level V sentencing

State and Defendant agree to the following:

☐ Restitution: _____☒ No _____

contact w/

☒ Other Conditions:forfeit computers; no access to computers;
no contact with children < 18 yrs - arrest
type of contact & AI for matter to be determined
by DC at PSIDAG: Marie O'Connor Graham

PRINT NAME

Marie O'Connor Graham

SIGNATURE

DEF. COUNSEL: Bern DeDonat Savir

PRINT NAME

SIGNATURE

DEFENDANT: [Signature]Date: 03/16/07